

Remarks

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-14 are now present in the application. Claims 1-10 have been amended. Claims 11-14 have been added. Claims 1 and 9 are independent. Reconsideration of this application is respectfully requested.

I. Priority Under 35 U.S.C. §119

Applicants have submitted a certified copy of the priority document on December 27, 2000. The Examiner has not acknowledged Applicants' claim for foreign priority under 35 U.S.C. §119. Acknowledgement thereof in the next Office Action is respectfully requested.

II. Drawings

Applicants have not received a Notice of Draftsperson's Patent Drawing Review PTO-948 indicating whether or not the formal drawings have been approved by the Draftsperson. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

III. Claim Rejections Under 35 U.S.C. §112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In light of the foregoing amendments to claims 1, 4 and 9, Applicants respectfully submit that this rejection has been

obviated and/or rendered moot. However, Applicants respectfully submit that the foregoing amendments have been made to merely clarify the claimed invention for the benefit of the Examiner.

Without conceding the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the application, Applicants have incorporated the changes recommended by the Examiner. Applicants submit that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention.

IV. Claim Rejections Under 35 U.S.C. § 102

Claims 1-5, 8 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Humpleman et al., U.S. Patent No. 6,182,094 B1. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. While not conceding to the Examiner's rejection, but merely to expedite prosecution, as the Examiner will note, independent claim 1 has been amended to recite a combination of elements including "receiving the second menu image from the selected external device and displaying the second menu image, the second menu image being displayed without performing an additional image construction process" and "obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the selected external device, the selected external device performing an operation corresponding to one of the second plurality of menu items when the selected external device detects

the position of the cursor within the specific position region of the one of the second plurality of menu items". Similarly, independent claim 9 has been amended to recite a combination of elements including "receiving the second menu image from the external device and displaying the second menu image, the second menu image being displayed without performing an additional image construction process" and "obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the external device, the external device performing the operation corresponding to the second menu item when the external device detects the position of the cursor within the specific position region of the second menu item". Applicants respectfully submit that the combinations of elements as set forth in amended independent claims 1 and 9 are not disclosed or suggested by Humpleman relied on by the Examiner.

Humpleman discloses a method for generating a program guide for a home network having at least one multi-media device connected thereto. However, Humpleman fails to disclose those aspects as set forth in independent claims 1 and 9.

In particular, Humpleman discloses, for example, that the browser based DTV receives the HTML files from the home devices over the network using HTTP protocol (see FIGs. 1 and 3, and col. 6, ll. 51-53); that the "HTML files are ASCII text files containing specific information" for a respective home device to define the control and command functions for that particular home device (see col. 7, ll. 8-10 and 26-28); and that when the user buttons "click" selection, the DTV sends the control/command signal from the DTV back to the home device (see FIG. 3A, col. 7, ll. 4-16). Hence, Humpleman fails to disclose the DTV "receiving the second menu image from the selected device (the home device)" as set forth in claims 1 and 9, because the DTV receives the HTML

files (ASCII text files), rather than image, from the home device. Humpleman also fails to disclose the DTV "obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the selected external device (the home device)" as set forth in claims 1 and 9, because the DTV only sends a control/command signal, rather than the position of the cursor, back to the home device after the user buttons "click" selection. In addition, Humpleman fails to disclose "the selected external device (the home device) performing an operation corresponding to one of the second plurality of menu items when the selected external device detects the position of the cursor within the specific position region of the one of the second plurality of menu items" as set forth in claims 1 and 9, because the home device only receives the control/command signal from the DTV and then performs the control/command without detecting the position of the cursor. Since Humpleman fails to teach each and every limitation of independent claims 1 and 9, Applicants respectfully submit that amended independent claims 1 and 9 are not anticipated by Humpleman.

In addition, claims 2-8 and 10-14 depend, either directly or indirectly, from independent claims 1 and 9, respectively, and are therefore unanticipated by Humpleman based on their respective dependence from independent claims 1 and 9.

In view of the above remarks, Applicants respectfully submit that claims 1-14 clearly define the present invention over Humpleman relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

V. Claim Rejections Under 35 U.S.C. § 103

Claims 6, 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman in view of Kim, U.S. Patent No. 6,133,911. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

As noted above, Humpleman fails to disclose the above aspects as set forth in independent claims 1 and 9. With regard to the Examiner's reliance on Kim, this reference has only been relied on for its teachings of the step of displaying a menu item differently from other menu items during the movement of the cursor. Kim also fails to disclose the above aspects of the present invention.

In particular, Kim is directed to a method for selecting menus in a TV receiver in which the menus at arbitrary coordinates on a TV screen can be arbitrarily selected regardless of an inputted sequence (see col. 1, ll. 54-59). Although Kim discloses that if the cursor 14 is located within a region of an object, the control section 32 will recognize the menu expressed by the main object, Kim fails to disclose any menu-control of the operations of external device other than the menu-control of a TV receiver, and thus fails to disclose "receiving the second menu image from the external device" and "transmitting the position of the cursor to the external device, the external device performing the operation corresponding to the second menu item when the external device detects the position of the cursor within the specific position region of the second menu item" as set forth in independent claims 1 and 9. Accordingly, Kim fails to make up for the deficiencies of Humpleman.

Accordingly, neither Humpleman nor Kim individually or in combination teach or suggest the limitations of independent

claims 1 and 9. Therefore, Applicants respectfully submit that independent claims 1 and 9 clearly define over the teachings of Humpleman in view of Kim.

In addition, claims 2-8 and 10-14 depend, either directly or indirectly, from amended independent claims 1 and 9, and are therefore patentable over Humpleman in view of Kim based on their respective dependence from amended independent claims 1 and 9.

In view of the above remarks, Applicants respectfully submit that claims 1-14 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

VI. Additional Claims

Additional claims 11-14 have been added for the Examiner's consideration. Applicants respectfully submit that these claims are allowable due to their respective dependence on independent claims 9, as well as due to the additional recitations included in these claims.

Favorable consideration and allowance of additional claims 11-14 are respectfully requested.

VII. Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

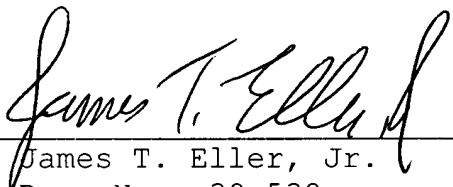
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact James T. Eller, Jr., Registration No. 39,538 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James T. Eller, Jr.
Reg. No. 39,538

JTE:sld

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000